

FILED

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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FUZHEN WANG,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75852

Agency No. A75-734-108

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 12, 2006^{**}

Before: KLEINFELD, PAEZ and BERZON, Circuit Judges.

Fuzhen Wang, a native and citizen of China, petitions for review of an order of the Board of Immigration Appeals (“BIA”) affirming an immigration judge’s order denying her application for withholding of removal. We have jurisdiction

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

pursuant to 8 U.S.C. § 1252. We review for substantial evidence, *see Chebchoub v. INS*, 257 F.3d 1038, 1042 (9th Cir. 2001), and we grant the petition for review and remand for further proceedings.

The BIA rejected the IJ's adverse credibility finding and determined that Wang failed to establish a clear probability of future persecution. However, the BIA failed to determine whether Wang suffered past persecution. *See Baballah v. Ashcroft*, 367 F.3d 1067, 1079 (9th Cir. 2004) (past persecution generates a presumption of eligibility for withholding of removal). Accordingly, we grant the petition for review and remand for the BIA to determine whether Wang demonstrated past persecution and for any further proceedings as appropriate.

PETITION FOR REVIEW GRANTED; REMANDED.